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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/385,725	08/30/1999	EDWARD ELLIS EIBLING	7-1-2	9591

7590

03/26/2002

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EXAMINER

TRAN, PABLO N

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 03/26/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/385,725

Applicant(s)

EIBLING ET AL.

Examiner

Pablo N Tran

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 01/10/02 have been fully considered but they are not persuasive.

In response to the Applicant's arguments, the Applicant's stated that " As to claims 1 and 8 calls for determining the power level of a forward-link signal in a wireless system for a measurement interval using power-indicative signal characteristic, where the measurement for a measurement interval has a duration smaller than or equal to the time period in which at least one power-indicative signal characteristic can change". Weaver, Jr. et al. disclose such method for controlling the forward link signal power (see col. 1/ln. 9-10) and a measurement interval has a duration smaller than or equal to the time period in which at least one power-indicative signal characteristic can change (see col. 10/ln. 5-27).

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by *Weaver, Jr. et al.* (5,715,526).

As per claims 1-2, 8-9, and 21-22, *Weaver, Jr. et al.* disclosed a method for determining a power level of a forward-link signal in a wireless system wherein determining the power level of the signal for a measurement interval using the power indicative signal characteristics, the measurement interval having a duration smaller than or equal to the time period in which at least one power-indicative signal characteristic can change (fig. 2-5, col. 9/ln. 29-col. 12/ln. 5). *Weaver, Jr. et al.* further disclosed each channel element processors (fig. 3/no. 36A-36I) calculates respectively a filtered expected power, measurement interval is usually a full rate frame, and input to the base station (fig. 3/no. 37) which generates an indication of the desire output power (col. 9/ln. 29-col. 10/ln.27).

As per claims 3-7 and 12-16, *Weaver, Jr. et al.* further disclosed the power indicative signal characteristics comprise an information rate, a gain, control information, call is in set up or part of an establish call, or soft-handoff (fig. 4,7, col. 15/ln. 27-62).

As per claim 10, *Weaver, Jr. et al.* further disclosed a channel unit controller (fig. 3/no. 36A-36I) obtaining information rate and gain of the signal, multiplying the information rate and gain to obtain the power level, forward the power level to a master controller, and the master controller (fig. 3/no. 37) summing the power level of each signal (fig. 4, col. 9/ln. 29-col. 12/ln. 5).

As per claim 11, *Weaver, Jr. et al.* further disclosed a master controller (fig. 3/no. 37) obtaining information rate and gain of the signal, multiplying the information rate and gain to obtain the power level (col. 9/ln. 29-col. 12/ln. 5).

As per claims 17-18, *Weaver, Jr. et al.* further disclosed all the signals in a sector of a cell are amplified by an amplifier (fig. 6/no. 76) of the base station (col. 2/ln. 21-35 and col. 8/ln. 1-3).

As per claims 19-20, *Weaver, Jr. et al.* further disclosed signal set comprises traffic signals and control signal (col. 10/ln. 5-16).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chheda et al. (6,160,999), Kang et al. (6,038,220), Fapojuwo (5,937,353), Butovitsch et al. (6,259,927), Love et al. (6,058,107), Chen (5,893,035), Kim et al.

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(6,151,508), and Garrison et al. (EP0805568A1) disclose forward power control in a wireless communication system.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (703)308-7941. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Hunter, can be reached at (703)308-6732.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

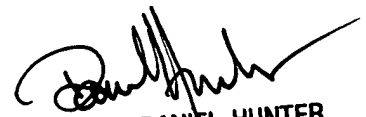
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

March 22, 2002

Pablo Tran

Examiner, Art Unit 2684

  
DANIEL HUNTER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600